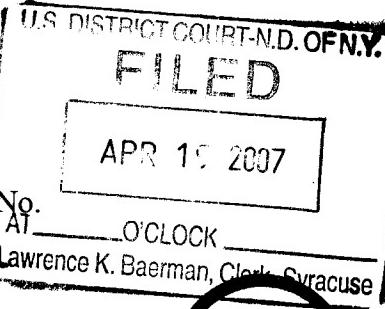


(D)

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK



\*\*\*\*\*  
UNITED STATES OF AMERICA

v.

- (1) DAVID SUNDAY,  
a/k/a Snooky
- (2) DANNY THERIAULT,  
a/k/a Vinny,
- (3) JACKALEEN THERIAULT  
a/k/a Ma,
- (4) DENNY THERIAULT,
- (5) JOSHUA SPAULDING,  
a/k/a Spank
- (6) CHAD E. FELLERS,
- (7) JARED CALLAHAN  
a/k/a Roo,

8: Criminal Action No.  
07-CR-~~300~~  
~~(CLS)~~

INDICTMENT

Vio: 21 U.S.C. § 841(a)(1); (b)(1)(B)  
and 846 [1 Count]

21 U.S.C. §§ 952, 960 and 963  
[1 Count]

S

Defendants.

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THE GRAND JURY CHARGES:

**COUNT ONE**

Beginning sometime in or about January 2006, the exact date being unknown to the Grand Jury, and continuing thereafter up to and including April 2007, in the Northern District of New York and elsewhere,

DAVID SUNDAY, a/k/a Snooky,  
DANNY THERIAULT, a/k/a Vinny,

JACKALEEN THERIAULT, a/k/a Ma,  
DENNY THERIAULT,  
JOSHUA SPAULDING, a/k/a Spank  
CHAD E. FELLERS and  
JARED CALLAHAN, a/k/a Roo,

the defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with one another and with other persons known and unknown to the Grand Jury to distribute and possess with intent to distribute over 100 kilograms of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841 (a)(1) and (b)(1)(B); and aid and abet the distribution of over 100 kilograms of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B), and Title 18, United States Code, Section 2.

MANNER AND MEANS

It was part of the conspiracy that co-conspirator David Sunday would supply large quantities of marijuana from Canada to co-conspirators Jackaleen Theriault, a/k/a Ma, and her son, Danny Theriault, a/k/a Vinny, in the United States. Jackaleen and Danny Theriault, in turn, would redistribute quantities of this marijuana in the North County, New York, area, and Jackaleen would also transport quantities of this marijuana to other co-conspirators in the Albany, New York area, including but not limited to Jared Callahan, a/k/a Roo. Jackaleen and Danny Theriault and co-conspirator Chad Fellers would temporarily store the marijuana and marijuana proceeds at their residences in the North Country, which were guarded at times by Fellers and others when the Theriaults were not there. Jackaleen and Danny Theriault would use multiple couriers and brokers to re-distribute the marijuana, collect the marijuana proceeds, and return the proceeds to their

Canadian source of supply, co-conspirator David Sunday. Some of the co-conspirators who served as brokers and/or couriers for the Theriault Organization include but are not limited to the following: Denny Theriault (Jackaleen's son and Danny's brother), Josh Spaulding, a/k/a Spank, Jared Callahan, and Fellers. The Theriault Organization used courier vehicles equipped with hidden compartments, or "traps," which concealed the marijuana and marijuana proceeds when being transported. Jackaleen and Danny Theriault oversaw the actions of the couriers/brokers, and used violence and threats of violence to maintain order both within and without the conspiracy.

All in violation of Title 21, United States Code, Section 846.

**THE GRAND JURY FURTHER CHARGES:**

**COUNT TWO**

Beginning sometime in or about January 2006, the exact date being unknown to the Grand Jury, and continuing thereafter up to and including April 2007, in the Northern District of New York and elsewhere,

DAVID SUNDAY, a/k/a Snooky,  
DANNY THERIAULT, a/k/a Vinny,  
JACKALEEN THERIAULT, a/k/a Ma,  
DENNY THERIAULT,  
JOSHUA SPAULDING, a/k/a Spank,  
CHAD E. FELLERS and  
JARED CALLAHAN, a/k/a Roo,

the defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with one another and with other persons known and unknown to import into the United States from a place outside thereof, namely Canada, over 100 kilograms of marijuana, a Schedule I controlled

substance, in violation of Title 21, United States Code, Sections 952 and 963, and aid and abet the importation of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 952 and Title 18, United States Code, Section 2.

**THE GRAND JURY FURTHER CHARGES:**

**FORFEITURE ALLEGATIONS**

1. Counts one and two of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.
2. As a result of committing the controlled substance offenses alleged in Counts one and two, all of which are re-alleged and incorporated by reference as if fully set forth herein, defendants

DAVID SUNDAY, a/k/a Snooky,  
DANNY THERIAULT, a/k/a Vinny,  
JACKALEEN THERIAULT, a/k/a Ma,  
DENNY THERIAULT,  
JOSHUA SPAULDING, a/k/a Spank  
CHAD E. FELLERS and  
JARED CALLAHAN, a/k/a Roo,

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds that said defendants obtained directly or indirectly as a result of said violations and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of the violations alleged in Counts one and two of this Indictment, including but not limited to the following:

**United States Currency:**

- a. \$104,905.00 in U.S. Currency; and

b. \$24,339.00 in U.S. Currency.

**Money Judgment for Cash Proceeds:**

3. A money judgment in the amount of \$1,540,000 in United States Currency, in that such sum in aggregate was exchanged and received in exchange for the distribution of marijuana (Schedule I controlled substance), or was intended to be so exchanged, between January 2006 and April 2007, or is traceable thereto, and subsequently was expended, spent, distributed or otherwise disposed of during this same period beginning in or around January 2006 and continuing to April 2007 by defendants. Said defendants jointly and severally are liable to the United States for these amounts.

**Real Property**

4. Premises and real property with appurtenances thereon located at **87 Bird Road, Constable, New York, 12926, in the Town of Westville, County of Franklin**, more particularly described in a Deed dated May 12, 1988 and recorded in the Franklin County Clerk's Office on May 13, 1988 in Liber 535 of Deeds at page 847 as follows:

**THAT TRACT OR PARCEL OF LAND**, situate, lying and being in the Town of Westville, County of Franklin and State of New York, and more particularly described as follows:

**BEGINNING** in the center of the Bird Road, so-called, in the southeast corner of lands and premises conveyed by parties of the first part to parties of the second part by deed dated September 21, 1972 and recorded in the Franklin County Clerk's Office in Liber 460 of Deeds at Page 93, and running thence in a southerly direction a distance of 113.82 feet to a point; and running thence in a general westerly direction at a right angle to the centerline of said road a distance of 1320 feet, more or less, to a fenceline; thence proceeding in a northerly direction along the said fenceline a distance of 413.82 feet to a point on the north boundary of first parties premises; thence proceeding in an easterly direction along the north boundary of first parties premises a distance of 1020 feet, more or less, to the northwest corner of second parties premises; thence proceeding in a southerly direction a distance of 300 feet to the southwest corner of

second parties premises; thence proceeding in an easterly direction along the south boundary of second parties premises to the point or place of beginning.

**EXCEPTING AND RESERVING** a right of way 10 feet in width extending from the Road westerly across the south part of the above-described premises, said right of way to be used in common with the property owner to the South.

**EXCEPTING AND RESERVING** any and all easements, rights of way and appropriations of record.

**Substitute Assets**

5. If the property described above as being subject to forfeiture, as a result of any act or omission of the defendants-
  - (a) cannot be located upon the exercise of due diligence;
  - (b) has been transferred or sold to, or deposited with, a third party;
  - (c) has been placed beyond the jurisdiction of the court;
  - (d) has been substantially diminished in value; or
  - (e) has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeiture judgment.

**THE GRAND JURY FURTHER ALLEGES:**

**PRIOR DRUG FELONY CONVICTIONS**

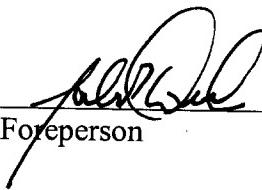
1. Counts one and two are incorporated by reference.
2. Defendant Danny Theriault has two prior final convictions for felony drug offenses, to

wit: 1) on or about August 28, 2000, in Cass County, Missouri, he was convicted of manufacturing a controlled substance, in violation of Missouri Penal Law, and, on or about August 28, 2000, the defendant was sentenced to a term of five (5) years incarceration; 2) on or about September 5, 2002, in Franklin County, New York, he was convicted of criminal sale of a controlled substance (marijuana), in violation of New York Penal Law, and on or about September 5, 2002, the defendant was sentenced to a term of 365 days of years imprisonment. and which convictions affect the penalty provisions of Title 21, United States Code, Section 841(b)(1), which applies to Counts One and Two.

3. Defendant Jared Callahan, a/k/a Roo, has a prior final conviction for felony drug offenses, to wit: 1) on or about November 16, 1999, in Schenectady County, New York, he was convicted of criminal sale of marijuana in the 3rd degree, a felony, in violation of New York Penal Law, and, on or about November 16, 1999, the defendant was sentenced to a term of two (2) to six (6) years incarceration, which conviction affects the penalty provisions of Title 21, United States Code, Section 841(b)(1), which applies to Counts One and Two.

A TRUE BILL,

Dated: 04/19/07

  
Foreperson

GLENN T. SUDDABY  
United States Attorney

By:

Carl G. Eurenus  
Carl G. Eurenus  
Assistant U.S. Attorney  
Bar Roll No. 511746